



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/524,498

02/14/2005

Peter Rohrig

CU-4061 RJS

6179

26530

7590

07/17/2006

LADAS & PARRY LLP
224 SOUTH MICHIGAN AVENUE
SUITE 1600
CHICAGO, IL 60604

EXAMINER

RODRIGUEZ, RUTH C

ART UNIT

PAPER NUMBER

3677

DATE MAILED: 07/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/524,498	Applicant(s) ROHRIG, PETER	
	Examiner Ruth C. Rodriguez	Art Unit 3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 7-15 is/are rejected.
- 7) ☒ Claim(s) 4-6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/14/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed 14 February 2005 has been considered for this Office Action.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 7 and 12-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Garrison (US 5,020,705).

A clip (13) has two clamping parts (14,15) pivotable relative to each other and having co-operating clamping regions (Figs. 1-4). Opposing inner-side surfaces of the clamping regions rest against each other in a closed clamping position of the clip (Figs. 1-4). The surface of at least one clamping region at least partially consists of a material (20) having a lower hardness than the material of the clamping parts. The clamping parts are formed by the legs of a U-section and the apex (16) of the U-section is provided as a pivot axis or pivoting region, respectively for the clamping parts (Figs. 1-4). The clamping regions of the clip are spaced apart in their relaxed open position (Figs. 1-4).

One clamping region at least partially comprises a surface of material of lower hardness (Figs. 1-4).

A coating of the material of lower hardness at least partially forms at least one clamping region (Figs. 1-4).

A bracket (17) embraces the two clamping parts and is shiftably mounted on the clamping parts for transition into the clamping position (Figs. 1-4).

The clamping parts are made of a hard synthetic material (C. 2, L. 46-49).

A thermoplastic elastomer is provided as the material of lower hardness (C. 3, L. 1-20).

The clip is a two-component injection-molded piece (C. 3, L. 39-43).

The hard synthetic material is polycarbonate (C. 2, L. 46-49).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1 and 8-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Petrou (US 5,178,306) in view of Garrison.

Petrou discloses a clip (14,16,18) has two clamping parts (14,16) pivotable relative to each other and having co-operating clamping regions (Figs. 1-5). Opposing

inner-side surfaces of the clamping regions rest against each other in a closed clamping position of the clip (Fig. 5). The clamping parts are formed by the legs of a U-section and the apex of the U-section is provided as a pivot axis or pivoting region, respectively for the clamping parts (Figs. 4 and 5). The clamping regions of the clip are spaced apart in their relaxed open position (Fig. 4). Petrou fails to disclose that the surface of at least one clamping region at least partially consists of a material having a lower hardness than the material of the clamping parts. However, Garrison teaches a clip having all the features mentioned above. The material of lower hardness serves to retain the article being grip by the clip but does no leave any markings in the article (C. 3, L. 1-20). Therefore, it would have bee obvious to one having ordinary skill in the art at the time of Applicant's invention to provide the surface of at least one clamping region at least partially consists of a material having a lower hardness than the material of the clamping parts as taught by Garrison in the clip of Petrou. Doing so, serves to retain the article being grip by the clip but does no leave any markings in the article

At least one clamping part externally includes at least one wedge-shaped web (24) that widens towards the free end of the clamping part. The web is made of the same material as the U-section (Figs. 1-5).

Two wedge-shaped webs arranged at the rim side are provided on one clamping part (Figs. 1-4).

The wedge-shaped webs have a profiled surface (26).

Petrou and Garrison fail to disclose that the clamping regions are ovals.

However, it would have been obvious to one having ordinary skill in the art at the time

the invention was made to have the clamping region being ovals since a change in the shape of a prior art device is a design consideration within the skill of the art. In re Dailey, 357 F.2d 669, 149 USPQ 47 (CCPA 1966). The use of ovals or rectangular is well known in the clip area.

Allowable Subject Matter

6. Claims 4-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Garrison (US 5,020,705 and US 5,516,014), Petrou (US 5,178,306), Greer, Jr. et al. (US 6,698,071 B1) and Goldman (US 2005/0184109 A1) are cited to show state of the art with respect to devices having clips having some of the features being claimed by the current application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth C Rodriguez whose telephone number is (571) 272-7070. The examiner can normally be reached on M-F 07:15 - 15:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (571) 272-7075.

Responses submitted by facsimile transmission should include a Certificate of Transmission (MPEP § 512). The following is an example of the format the certification might take:

(Signature)

If your response is submitted by facsimile transmission, you are hereby reminded that the original should be retained as evidence of authenticity (37 CFR 1.4 and MPEP

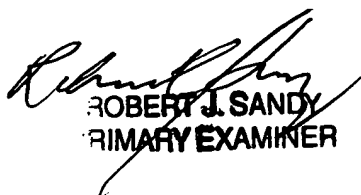
§ 502.02). Please do not separately mail the original or another copy unless required by the Patent and Trademark Office. Submission of the original response or a follow-up copy of the response has been transmitted by facsimile will cause further unnecessary delays in the processing of your application, duplicate responses where fees are charged to a deposit account may result in those fees being charged twice.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-6640.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ruth C. Rodriguez
Patent Examiner
Art Unit 3677

rcr
July 10, 2006


ROBERT J. SANDY
PRIMARY EXAMINER